

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|------------------------------------------------|---|-------------------------------------|
| Speed Way Transportation, LLC, <i>et al.</i> , | : | |
| | : | |
| Plaintiffs, | : | Case No. 2:20-cv-05047 |
| | : | |
| v. | : | Judge Sarah D. Morrison |
| | : | |
| City of Gahanna, Ohio <i>et al.</i> , | : | Magistrate Judge Kimberly A. Jolson |
| | : | |
| Defendants. | : | |

RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on _____ and was attended by:

_____Michael S. Kolman_____, counsel for plaintiff(s) Speed Way Transportation LLC dba Speed Way Towing and Ahmed Shehata

_____Frank J. Reed, Jr._____, counsel for defendant(s) City of Gahanna, Keith Winn, Jeff Spence and Gahanna Division of Police

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

_____ Yes X No

2. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

 X Yes _____ No _____ The proceeding is exempt under Rule 26(a)(1)(B)

The parties previously made initial disclosures.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

_____ Yes X No

If yes, describe the issue: _____

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by _____

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by: _____ 60 days from the date of this order
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by _____ N/A

5. MOTIONS

- a. Are there any pending motion(s)?

_____ Yes X No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number: _____

- b. Are the parties requesting expedited briefing on the pending motion(s)?

_____ Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

Plaintiffs originally alleged violations of their Right to Contract, Right to the Free Exercise of Religion, Right to Petition the Government, Equal Protection, and Due Process rights, as well as a Tortious Interference with Economic Advantage claim against Defendants. This stems from Defendants' denial of a towing contract bid submitted by Plaintiffs. Following appeal, only the Equal Protection Claim Based Upon National Origin and Religion remains. Defendants have not yet answered the Complaint as they filed a Motion to Dismiss the Complaint in its entirety, but Defendants deny any and all allegations of discrimination or unfair treatment alleged in the Complaint. Plaintiffs have demanded a jury. Defendants will file an answer within 30 days of this order.

7. DISCOVERY PROCEDURES

a. The parties agree that all discovery shall be completed by January 2, 2024. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call-in number.

b. Do the parties anticipate the production of ESI? X Yes No

If yes, describe the protocol for such production: Based on the volume of ESI, the parties will coordinate either the production of hard copies or upload the ESI to a sharefile site.

c. Do the parties intend to seek a protective order or clawback agreement? Not at this time.

If yes, such order or agreement shall be produced to the Court by: _____

8. DISPOSITIVE MOTIONS

a. Any dispositive motions shall be filed by: January 31, 2024.

b. Are the parties requesting expedited briefing on dispositive motions?

 Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____

9. EXPERT TESTIMONY

a. Primary expert reports must be produced by: _____

b. Rebuttal expert reports must be produced by: _____

10. SETTLEMENT

Plaintiffs made a settlement demand and Defendants responded. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year:

January 2024

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

_____ Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place ____ in chambers ____ by telephone.

 X No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

Signatures:

Attorney for Plaintiff(s):

/s/ Michael S. Kolman
Counsel for: Plaintiffs
Bar # 0031420

Attorney for Defendant(s):

/s/ Frank J. Reed, Jr.
Counsel for: Defendants
Bar # 0055234

/s/ Jesse J. Shamp
Counsel for: Defendants
Bar # 0097642

Date: April 10, 2023